

PART 5314—SEALED BIDDING**TABLE OF CONTENTS**

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PART 5314—SEALED BIDDING

SUBPART 5314.1—USE OF SEALED BIDDING

5314.104 Types of contracts.

5314.104-90 Firm-fixed-price materials reimbursable contracts.

(a) When it is desired to purchase the repair and overhaul of items on the basis of a firm-fixed-price for the services with reimbursement for cost of materials used, such acquisitions may be solicited using sealed bid procedures when:

(1) The cost of the direct materials to be used will be relatively small in relation to the total cost of the repair and overhaul services; and

(2) It can be reasonably expected that the materials for which reimbursement is to be made are available to all bidders at basically the same price.

(b) The IFB and the resultant contract shall:

(1) Adequately define the material for which reimbursement is to be made;

(2) Limit reimbursement to the contractor's actual cost of such reimbursable material (including cash and trade discounts, rebates allowances, and commissions); and

(3) Contain adequate controls to limit the purchase of reimbursable materials by the contractor. The IFB shall not require bidders to furnish estimated prices of the reimbursable materials nor will the cost of such materials be considered in the evaluation of bids.

SUBPART 5314.2—SOLICITATION OF BIDS

5314.205 Solicitation mailing lists.

If preinvitation notices are used, include the applicable small business size determination in the notice and in the transmittal to the Commerce Business Daily and require prospective bidders to state in their replies to the notice whether they qualify as a small business concern. Do not make a determination regarding a set-aside (see FAR Subpart 19.5) until replies to the notice have been received to determine the extent of available small business competition.

5314.207-90 Solicitation provision.

The contracting officer may include a provision substantially the same as the provision at 5352.215-9001, Notice of Pre-bid/Pre-proposal Conference, in the invitation for bids when a pre-bid conference is contemplated in accordance with FAR 14.207. When access to classified documents is contemplated, the contracting officer may include a provision substantially the same as the basic provision with its Alternate I in the invitation for bids.

SUBPART 5314.4—OPENING OF BIDS AND AWARD OF CONTRACT

5314.407 Mistakes in bids.

5314.407-3 Other mistakes disclosed before award.

(c)(1) The local chief of the contracting office (see Subpart 5302.1) is authorized to permit bidders to withdraw bids pursuant to FAR 14.407-3 (c)(1). Before the withdrawal is authorized, the file shall be given to the supporting base staff judge advocate for review and coordination.

(e) The authority in FAR 14.407-3 (e) is delegated to the Director of the Air Force Materiel Command Law Center. In all cases in FAR 14.407-3 (a), (b), (c)(2), and (d), the package (see FAR 14.407-3 (g)(3)) shall be marked "IMMEDIATE ACTION - MISTAKE IN BID" and sent by the most expeditious means to Director of Acquisition Law Services, Headquar-

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ters Air Force Materiel Command Law Office (AFMC LO/JAN), 1864 Fourth Street, Bldg 15, Room 130A, Wright-Patterson AFB, OH 45433-7135, (513) 255-6113 or DSN 785-6113.

(h) AFMC LO/JAN shall maintain the record required in FAR 14.407-3 (h) in cases in FAR 14.407-3 (a), (b), (c)(2), and (d). The office of the person making the decision in cases in FAR 14.407-3 (c)(1) shall maintain the required records.

(i) Doubtful mistakes in bid shall not be submitted by contracting officers directly to the Comptroller General for advance decisions.

5314.407-4 Mistakes after award.

Reports to GAO on contract claims shall be processed in accordance with AFR 177-101, Part Two, Chapter 11, Section D.